



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF : James Thomas Shiveley

FOR : **RAPID EFFICIENT INFRARED CURING  
OF POWDER COATINGS/WET  
COATINGS AND FOR ULTRAVIOLET  
CURING OF COATINGS AS APPLIED  
TO LABORATORY AND PRODUCTION  
PROCESSING**

SERIAL NO. : 09/851,720

FILED : May 9, 2001

LAST OFFICE ACTION : December 5, 2003

EXAMINER : Elena Tsoy

GROUP ART UNIT : 1762

ATTORNEY DOCKET NO. : 30188.30008  
Customer #26781

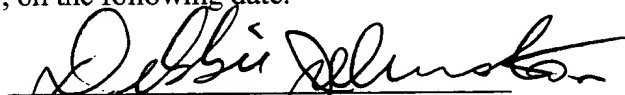
Akron, Ohio 44311-4407  
May 23, 2005

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**CERTIFICATE OF MAILING**

I hereby certify that this **DECLARATION OF DERON A. COOK** is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the following date.

5-23-05  
Date

  
Debbie M. Johnston

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**DECLARATION OF DERON A. COOK**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

I, Deron A. Cook, declare as follows:

1. I am a registered patent attorney, Registration No. 52,767.
2. I am an associate in the firm of Brouse McDowell, 388 S. Main Street, Akron, OH 44311-4407.
3. I am presently responsible for the prosecution of the above-identified United States Patent Application.
4. On or about October 19, 2004, our office in response to an inquiry by my colleague, Tim Smith, received notice from Examiner Kathryn O'Malley that the above-referenced application had gone abandoned.
5. In specific response to Mr. Smith's inquiry, Ms. O'Malley forwarded to us a Notice of Abandonment dated approximately October 1, 2004, and an Office Action Summary dated December 2, 2003.
6. The Office Action was a Second Restriction Requirement and provided a one month statutory period to reply.
7. The Office Action was addressed to Thomas Lewandowski at One Cascade Plaza, Akron, OH 44308.
8. Mr. Lewandowski has not been associated with the firm Brouse McDowell or the precursor intellectual property firm of Emerson & Skeriotis for several years and Brouse McDowell has not been located at One Cascade Plaza for approximately two years.
9. On or about June 28, 2004, we sent the United States Patent and Trademark Office a

change of request form for this file (See Exhibit A hereto). The Change of Request form was signed by Roger D. Emerson, that was identified on the original Power of Attorney filed with the application, though Thomas Lewandowski was responsible for prosecution of the application.

10. It appears that the change of address was either never received, or was not recorded.

11. As a result, while the change of address was not submitted soon enough for the Office Action to have been properly directed, it was submitted soon enough for the Notice of Abandonment to have been properly directed.

12. Because the Office Action was sent to One Cascade Plaza address, we had no notice of it. Accordingly, we did not respond to the Office Action in the shortened statutory period.

13. Moreover, the Notice of Abandonment was sent to the same One Cascade Plaza address and was not received by our office despite having filed a timely change of address.

14. With this Petition to Revive, we are submitting the appropriate Change of Address form. Therefore, we do not expect that this error will be made again in the future. With this Petition to Revive, we are submitting the appropriate Change of Address form signed by Roger D. Emerson, though we believe the originally executed Change of Address form was appropriate.

15. I further declare that the statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 in the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing therefrom.

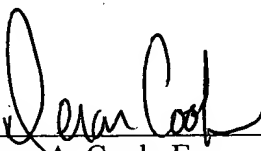
Respectfully submitted,

**BROUSE MCDOWELL**

Date

5/23/05

Telephone No.: (330) 535-5711  
Fax No.: (330) 253-8601



Deron A. Cook, Esq.  
Reg. No. 52,767  
Customer #26781

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